

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GAYLE L. BAILEY,
Plaintiff,

v.

UNITED STATES OF AMERICA AND
MELISSA PARENT
Defendants.

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) Civil Action No. 04-12101-NG
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NOTICE OF SUBSTITUTION

Please take notice that pursuant to 28 U.S.C. § 2679(d)(1), the United States of America (“United States”) is hereby substituted for the individual defendant, Melissa Parent (“Parent”), with respect to any and all causes of action. The grounds for this substitution are:

1. The plaintiff has brought an action against Parent, alleging that she sustained damages as result of an automobile accident with Parent. Specifically, plaintiff alleges that Parent caused the collision of the vehicles. At the time of the incident alleged in the plaintiff's Complaint, Parent was in the scope of her employment for the United States.

2. Pursuant to 28 U.S.C. §§ 2675 and 2679, plaintiff's exclusive remedy for a tort claim against an employee of the United States is an action against the United States under the Federal Tort Claims Act.

3. The Acting United States Attorney for the District of Massachusetts has certified pursuant to 28 U.S.C. §§ 2679(d)(1), and 28 C.F.R. § 15.3, that at the time of the conduct alleged, Parent was acting within the scope of her employment as an employee of the United

States.

5. Upon Certification that a federal employee was acting within the scope of her office or employment at the time of the incident, any civil action based on the incident shall be deemed an action against the United States, and the United States shall be substituted as the sole defendant. 28 U.S.C. § 2679(d)(1).

The Court is respectfully referred to the Certification of Michael J. Sullivan filed together with this notice. A draft Order amending the caption of this case to reflect the substitution of the United States is attached hereto for the Court's convenience.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jeffrey M. Cohen
Jeffrey M. Cohen
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Dated: March 10, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March 2005, the foregoing document was served upon the following:

Maria Murber, Esq.
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/s/ Jeffrey M. Cohen
Jeffrey M. Cohen